

January 3, 2011

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:30 p.m., Supervisor Barrett presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG

Present: Councilman Paolucci
Councilman Hughes
Councilman Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Michael Shahen, Town Administrator
Richard Kukuk, Superintendent of Highways
Mark Heggen, Comptroller
Steven Myers, Director of Building and Development
John Scavo, Director of Planning

MOTION BY Councilwoman Walowit, seconded by Councilman Paolucci, to approve the minutes of the December 20, 2010 meeting as presented.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Hughes reminded residents that Christmas trees will be picked up by County Waste or residents can bring them to the Transfer Station mulching area. No permit is required.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 2 of 2011 a resolution authorizing the Town Supervisor to sign an agreement with the Saratoga County Sheriff's Department for specialized law enforcement services.

Introduced by Councilman Hughes, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the Town of Clifton Park has found it to be effective and efficient to obtain law enforcement services within the Town through the Saratoga County Sheriff's Department, and

WHEREAS, the Town of Clifton Park wishes to contract for specialized law enforcement services per the attached agreement; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract with the Saratoga County Sheriff's Department whereby the Sheriff's Department shall provide specialized law enforcement services within the Town of Clifton Park for a one (1) year period

from January 1, 2011 through December 31, 2011, for an amount not to exceed \$216,970, amount to be paid from A-3120-15 (General Fund-Security-Other Contractual).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 3 of 2011, a resolution authorizing the Town Supervisor to sign an agreement with the Saratoga County Sheriff's Department for additional specialized law enforcement services.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, the Town of Clifton Park has found it to be effective and efficient to obtain law enforcement services within the Town through the Saratoga County Sheriff's Department, and

WHEREAS, the Town of Clifton Park wishes to contract for additional specialized law enforcement services per the attached agreement; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract with the Saratoga County Sheriff's Department whereby the Sheriff's Department shall provide additional specialized law enforcement services within the Town of Clifton Park for a one (1) year period from January 1, 2011 through December 31, 2011, for an amount not to exceed \$201,378, to be paid from A-3120-15 (General Fund-Security-Other Contractual).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 4 of 2011, a resolution authorizing the Town Supervisor to sign an agreement, along with the Town of Halfmoon, for additional police services with the Saratoga County Sheriff's Department.

Introduced by Councilman Hughes, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the Town of Clifton Park, along with the Town of Halfmoon, has found it to be effective and efficient to obtain law enforcement services within the Towns through the Saratoga County Sheriff's Department, and

WHEREAS, the Town of Clifton Park wishes to contract for additional law enforcement within the two Towns, per the attached agreement; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract with the Saratoga County Sheriff's Department whereby the Sheriff's Department shall provide additional law enforcement services for the Towns of Clifton Park and Halfmoon for a one (1) year period from January 1, 2011 through December 31, 2011, for an amount not to exceed \$100,689 each, to be paid from A-3120-15 (General Fund-Security-Other Contractual).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 5 of 2011, a resolution declaring a public emergency pursuant to General Municipal Law Section 103(4), retroactive to October 25, 2010, and authorizing the transfer of \$8,965.89 from Rivercrest Undesignated Fund Balance to cover the cost of the repairs at 6 Rivercrest Drive, Rexford and 946 Rivercrest Drive, Rexford.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Romano.

WHEREAS, the Town experienced water main breaks on October 25, 2010 at 946 Rivercrest Drive and on November 19, 2010 at 6 Rivercrest Drive, and

WHEREAS, Michael O'Brien, Collection System Manager, determined that each occurrence constituted an emergency with potential impact upon health, safety and welfare without immediate action and response, and

WHEREAS, General Municipal Law Section 103(4) permits the Town of Clifton Park to enter into contract for the work needed to be done without competitive bidding where the Town Board declares the situation to be a public emergency, and

WHEREAS, Tom Kubricky Company, Inc. is an authorized emergency contractor for the Town of Clifton Park pursuant to Resolution No. 60 of 2010, and

WHEREAS, bid rates as awarded by the Clifton Park Sewer District were used for equipment and labor, and

WHEREAS, Michael O'Brien accepted the quote of Tom Kubricky Company, Inc., based on emergency circumstances necessary to repair the water main breaks and prevent further damage to the area, in an amount of \$4,415 for 946 Rivercrest Drive and \$4,550.74 for 6 Rivercrest Drive and has determined that the charges submitted pursuant to the quote were appropriate for the work that was required; now, therefore, be it

RESOLVED, that the Town Board hereby declares the potential damage threatened by the water main breaks to be a public emergency requiring immediate action which cannot await competitive bidding; and be it further

RESOLVED, that payment is authorized to Tom Kubricky Company, Inc. for \$8,965.89 for repairs to two water mains, to be paid with a transfer of \$8,965.89 from Rivercrest Undesignated Fund Balance to FV 8340-200 (Rivercrest Water District-equipment).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 6 of 2011, a resolution authorizing Derek Miller, Robert Adams and Mark Kazmierczak to attend the New York State Building Officials Conference April 5-8, 2011 in Liverpool, New York.

Introduced by Councilman Romano, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, conferences are designed to give their members the needed hours to complete the New York State twenty-four hours requirement for in service education for all code enforcement officers per year in order to maintain their certification, and

WHEREAS, the April 2011 Conference sponsored by the New York State Building Officials Chapter is necessary for the acquisition of needed credits by Building Department officials, and

WHEREAS, attendance at these seminars would provide a benefit to the residents of the Town and is necessary to maintain building officials credentials; now, therefore, be it

RESOLVED, that the Building Department is authorized to send Derek Miller, Mark Kazmierczak and Robert Adams to the New York State Building Officials Conference from April 5 - 8, 2011 in Liverpool, New York, at a total cost not to exceed \$2,700 for three attendees, as budgeted from A-3620-001 (Training and Conferences).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 7 of 2011, a resolution authorizing Sam Chase, Wade Schoenborn and Pat Jarosz, from the Building Department, to attend the 16th Annual Northern Adirondack Code Enforcement Officials Association Conference to be held in Lake Placid, New York, March 7 - 10, 2011.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Hughes.

WHEREAS, conferences are designed to give their members the needed hours to complete the New York State twenty-four hours requirement for in service education for all code enforcement officers per year in order to maintain their certification, and

WHEREAS, New York State has eliminated several of their instructor positions reducing the availability of courses locally and substantially reducing the availability of building officials courses offered without charge and fewer courses are being given at no charge, and

WHEREAS, reduced availability of such courses locally has increased the necessity of traveling to obtain required credits, and

WHEREAS, attendance at these seminars would provide a benefit to the residents of the Town and is necessary to maintain building officials credentials; now, therefore, be it

RESOLVED, that the Building Department is authorized to send Wade Schoenborn, Pat Jarosz and Sam Chase to the 16th Annual Conference for Northern Adirondack Code Enforcement Officials Association Conference from March 7 - 10, 2011 at Lake Placid, New York, at a total cost for three attendees not to exceed \$2,400, as budgeted from A-3620-001(Training and Conferences).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,

Councilwoman Walowit, Supervisor Barrett
Noes: None

DECLARED ADOPTED

Resolution No. 8 of 2011, a resolution scheduling a public hearing to consider a local law amending Chapter 171, Signs, Section 3, Definitions and Section 174, Specific Prohibitions (n).

Introduced by Councilman Romano, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, with industry trends suggesting a proliferation of LEDS and animated signs as a growing percentage of the industry, the code enforcement office suggested a review of the Town Sign Law, and

WHEREAS, the Town Board wishes to schedule a public hearing to obtain comment from the public regarding amending Chapter 171; now, therefore, be it

RESOLVED, that a public hearing is scheduled for January 18, 2011 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider a local law amending Chapter 171, Signs; and be it further

RESOLVED, that the Town Clerk is directed to publish appropriate notice of the same.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 9 of 2011, a resolution scheduling a public hearing to consider a local law amending Chapter 138, Junkyards, Section 138-3, Definitions of the Town Code.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Romano.

WHEREAS, the code enforcement office suggested a review of Chapter 138, Junkyards of the Town Code, and

WHEREAS, the Town Board wishes to schedule a public hearing to obtain comment from the public regarding amending Chapter 138; now, therefore, be it

RESOLVED, that a public hearing is scheduled for January 18, 2011 at 7:20 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider a local law amending Section 138, Junkyards; and be it further

RESOLVED, that the Town Clerk is directed to publish appropriate notice of the same.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 10 of 2011, a resolution scheduling a public hearing to consider a local law amending Chapter 73, Article II Fire Prevention, Section 73-13 Fire Safety Inspections.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by E Councilman Romano.

WHEREAS, the code enforcement office suggested a public hearing be scheduled to consider amending Section 73-13 of the Town Code to extend the interval for nonresidential fire safety inspections, and

WHEREAS, the Town Board wishes to schedule a public hearing to obtain comment from the public regarding changes to Section 73-13; now, therefore, be it

RESOLVED, that a public hearing is scheduled for January 18, 2011 at 7:30 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider a local law amending Chapter 73, Article II Fire Prevention, Section 73-13 Fire Safety Inspections, of the Town Code, and be it further

RESOLVED, that the Town Clerk is directed to publish appropriate notice of the same.

Director of Building and Development Myers said this change will mirror the state code.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 11 of 2011, a resolution scheduling a public hearing to consider a local law amending Chapter 86, Construction and Design Standards, Article II 86-6, Streets.

Introduced by Councilman Hughes, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, the code enforcement office has suggested a proposal of Chapter 86-6 of the Town Code for compatibility with state code regarding adequate design capability of Town streets, and

WHEREAS, the Town Board wishes to schedule a public hearing to obtain comment from the public regarding changes to Chapter 86; now, therefore, be it

RESOLVED, that a public hearing is scheduled for January 18, 2011 at 7:40 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider a local law amending Chapter 86, Construction and Design Standards, Article II 86-6F2(b), Streets, and be it further

RESOLVED, that the Town Clerk is directed to publish appropriate notice of the same.

Supervisor Barrett stated this change will mirror the State Code.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 12 of 2011, a resolution scheduling a public hearing to consider a local law amending Section 208-6B, Additional Standards For Administration and Enforcement, Section 208-107B(1) Building Permits; Powers and Duties of Building Inspector, Building Permit Exemptions and Section 208-108F(3) Conditional Certificate of Occupancy of the Town Zoning Code.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Romano.

WHEREAS, the code enforcement office has suggested that consideration be given to changing Section 208-6B, 208-107B(1) and Section 208-108F(3) of the Town Code, and

WHEREAS, the Town Board wishes to schedule a public hearing to obtain comment from the public regarding changes to Section 208-6B, Section 208-107B(1) and 208-108F(3); now, therefore, be it

RESOLVED, that a public hearing is scheduled for January 18, 2011 at 7:50 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider a local law amending Section 208-6B, Additional Standards For Administration and Enforcement, Section 208-107B(1) Building Permits; Powers and Duties of Building Inspector, Building Permit Exemptions and Section 208-108F(3) Conditional Certificate of Occupancy of the Town Zoning Code, and be it further

RESOLVED, that the Town Clerk is directed to publish appropriate notice of the same.

This change will mirror the state code.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 13 of 2011, a resolution appointing two part-time armed Court Officers.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Romano.

WHEREAS, a need exists for part-time court officers, and

WHEREAS, Andrew Jupin, 15 Arbor Lane, Clifton Park and Daniel Kuhn, 5-A Meyer Road, Clifton Park, have been recommended to fill the positions, and

WHEREAS, Mr. Jupin and Mr. Kuhn combined, will bring more than sixty years of law enforcement experience to the safety and security of the Justice Court; now, therefore, be it

RESOLVED, that authorization is hereby given to appoint Andrew Jupin and Daniel Kuhn as part-time armed Court Officers at Grade 6, Step 1, effective immediately, to be paid from A-3120-E-4000 (Security-Court Officer).

Supervisor Barrett said appointing two part-time officers will give the officers more flexibility.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,

Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 14 of 2011, a resolution donating two slots of ice time for the 2011 Clifton Park Youth Hockey Association (CPYHA) "Between the Pipes Pee Wee "B" Tournament".

Introduced by Councilman Hughes, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, the CPYHA is hosting the annual "Between the Pipes Pee Wee "B" Tournament" January 6-9, 2011 at the Clifton Park Arena, and

WHEREAS, the Clifton Park Youth Hockey Association is a non-profit organization dedicated to providing the best experience for our community's youth playing the sport of ice hockey; emphasizing leadership, teamwork, and good sportsmanship, and

WHEREAS, CPYHA has requested that the Town of Clifton Park donate two sheets of ice time to help offset the costs of hosting the tournament and allow CPYHA to offer a tremendous tournament experience, as well as showcase the CPYHA program and the Clifton Park community, and

WHEREAS, the out-of-town teams will be staying at local hotels in Clifton Park conferring a benefit to local businesses, as well as to the community as a whole; now, therefore, be it

RESOLVED, that the Town of Clifton Park is authorized to donate two slots of ice time for the 2011 CPYHA "Between the Pipes Pee Wee "B" Tournament" to be held at the Clifton Park Arena January 6-9, 2011.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 15 of 2011, a resolution authorizing the Supervisor to sign an energy supply contract with Integrys Energy Services of New York for electrical supply accounts with National Grid and NYSEG through MEGA Energy.

Introduced by Councilman Romano, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, in 2011 Municipal Electric and Gas (MEGA) is endorsed by the New York State Association of Counties as the preferred energy procurement program for electricity and natural gas, and

WHEREAS, MEGA works with professional energy consultants and procurement specialists to secure the best prices and terms available in today's complex and evolving energy marketplace, and

WHEREAS, MEGA's consultants assist in solving problems, should they arise and they monitor changes in the regulatory process and private markets to the benefit of the participants, and

WHEREAS, an important feature of the MEGA program, which is vital to municipalities, is that they conform to the State's bidding requirements for purchasing goods and services and offer municipalities and school districts a blanket bid which they can sign-on to; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign an energy supply contract with Integrys Energy Services of New York for electrical supply accounts delivery with National Grid and NYSEG through MEGA Energy.

Councilman Romano explained the town has had a contract with this company for the past year. This would be a two year contract with an anticipated savings in electric of approximately \$25,000 in 2011 and flat for 2012.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 16 of 2011, a resolution appointing Sanford I. Roth as liaison to the Community Arts and Culture Commission and Environmental Conservation Commission.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, former Councilman Roth has been liaison to both the Community Arts and Culture Commission and the Environmental Conservation Commission and has expressed interest in continuing in both capacities, and

WHEREAS. Mr. Roth has a lengthy history of involvement in both the arts and the ECC; now, therefore, be it

RESOLVED, that Sanford I. Roth, Sweetbrier Drive, Ballston Lake, be appointed as liaison to both the Community Arts and Culture Commission and the Environmental Conservation Commission through December 31, 2011.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Sanford Roth, Sweetbrier Drive, thanked the Town Board for his appointments, stating he is pleased to serve the town and Town Board. He expressed appreciation to Rocco Ferraro for the outstanding job and guidance as ECC chair, noting he is an excellent choice as Planning Board chair. Mr. Roth displayed the 2011 Arts and Culture calendar and asked the Board to consider additional funding for the Commission when requested. Mr. Roth thanked Mr. Shahan for his work on the budgets over the years. He volunteered to go over the budget process with the next administrator.

Beverly Czub, Miller Road, asked in what buildings the \$25,000 will be saved. Councilman Romano this covers all town-owned buildings. She asked when the sign will be up on Clifton Park Center Road. Mr. Scavo responded the LED panels are in and Stilsing Electric will be out in the next two weeks to do the final installation, National Grid will inspect the work and power will be turned on. In response to Ms. Czub's question regarding the flashing lights at the pathways on Clifton Park Center and Moe Roads, Mr. Scavo said at the present time the signs are still owned by NYS DOT.

MOTION by Councilwoman Walowit, seconded by Councilman Hughes, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 8:25 p.m.

Patricia O'Donnell
Town Clerk